

1 THE HONORABLE JOHN C. COUGHENOUR
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 DYLAN CORRAL,

13 Defendant.

CASE NO. CR22-0048-JCC

ORDER

15 This matter comes before the Court *sua sponte*. On November 21, 2023, the Court
16 ordered that Defendant undergo another competency evaluation. (See Dkt. No. 139 at 3.) In so
17 doing, the Court committed Defendant to the custody of the Attorney General in accordance with
18 18 U.S.C. § 4241. However, the Court understands that (a) the closest Bureau of Prisons'
19 ("BOP") facility where psychologists are available to perform the examination is the BOP
20 facility MDC Los Angeles and (b) Defendant has repeatedly refused transfer to this facility. The
21 Court, therefore, concludes that the time periods provided by 18 U.S.C. § 4247(b) have not yet
22 begun. Nevertheless, in light of the need to complete an expeditious competency exam, the Court
23 modifies its prior order (Dkt. No. 139) as follows:

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1. The competency examination shall be conducted by a local psychologist, *i.e.*, one
25 not associated with the BOP.
 2. The BOP is directed to **not** transfer Defendant to MDC Los Angeles, at least at
26 this time.

- 1 3. The parties are to select an appropriate local psychologist to conduct the
- 2 examination. So long as the parties can agree on a provider, their decision need
- 3 not be ratified by the Court before the examination can commence.
- 4 4. The psychologist must complete the examination as described in 18 U.S.C.
- 5 § 4247(b).
- 6 5. The psychologist must prepare a report in accordance with § 4247(c) within thirty
- 7 days of the initial examination.
- 8 6. If needed, and at the psychologist's professional discretion, the examination may
- 9 be conducted remotely.
- 10 7. The cost for this examination is to be borne by the Attorney General, in
- 11 accordance with the Court's AO guideline § 320.20.60.
- 12 8. The parties are to notify the Court once an examination is complete, and/or
- 13 additional time is needed for the issuance of the report.
- 14 9. The Court will schedule another competency hearing once it has been notified that
- 15 the examination is complete and a report has issued.

DATED this 2nd day of January 2024.



John C. Coughenour
UNITED STATES DISTRICT JUDGE